

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THOMAS BURKO,

Plaintiff,

V.

CAROLYN W. COLVIN, Acting Commissioner
of Social Security,

Defendant.

Case No. C13-949-RSM-BAT

REPORT AND RECOMMENDATION

Thomas Burko seeks review of the denial of his Disability Insurance Benefits and Supplemental Security Income Benefits applications. Dkt. 3. The parties stipulate the case should be **REVERSED** and **REMANDED** for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Dkt. 20. Upon remand, the Administrative Law Judge should provide the claimant with an opportunity to submit additional evidence; re-evaluate the claimant's mental impairments pursuant to the special technique in 20 CFR §§ 404.1520a and 416.920a; if warranted and available, obtain medical expert testimony regarding the nature and severity of the claimant's mental impairments; reconsider the claimant's residual functional capacity, and in so doing, further evaluate the opinion evidence from Dr. Wilkinson; seek supplemental vocational expert testimony, if warranted, to determine whether there are a significant number of jobs in the national economy that the claimant can perform; and give the

1 claimant an opportunity for a hearing.

2 The ALJ will make a de novo determination as to disability, and issue a new decision.

3 Upon proper application, plaintiff shall be eligible for attorneys' fees under the Equal
4 Access to Justice Act, 24 U.S.C. § 2412 et seq.

5 Because the parties have stipulated the case be remanded as set forth above, the Court
6 recommends United States District Judge Ricardo S. Martinez immediately approve this Report
7 and Recommendation and order the case **REVERSED** and **REMANDED** for further
8 administrative proceedings. A proposed order accompanies this Report and Recommendation.

9 DATED this 13th day of November, 2013.

10 /S/ JAMES P. DONOHUE for
11 BRIAN A. TSUCHIDA
12 United States Magistrate Judge
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